

Stratified Open Space Letter from Parks Department

Memorandum

Community Services Department
Parks Planning and Development Section



To: John Romano, Commissioner of Community Services (CS)
CC: Sean Malby, Sr. Manager, Parks Planning and Development (CS)
From: Mattson Meere, Supervisor, Parks Planning (CS)
Date: April 4, 2023
Subject: Briefing Note – 1636 Charles Street – Evaluation of Stratified Open Space

Rationale for not supporting parkland credit for proposed stratified open space

1. A strata park is anticipated to have a significant lifecycle cost premium compared to a terra firma park. It is estimated that the proposed 0.24 hectare strata park will cost the Town an nearly \$3.3M over a 75 year lifecycle. Funding for this additional cost will need to be identified and will be challenging to fully recover from the condo board alone.
2. The developer passes on all liabilities and complexities associated with ongoing maintenance, repair/replacement of the roof membrane and closure/restoration of park to the condo board and Town.
3. The subject development and Port Whitby area is very well served by existing parkland with nearly 35 hectares of parkland that will serve a future population of approximately 10,212 residents. This translates to a very robust parkland provision level of 3.42 hectares per 1000 people, which is well above the Town's average parkland provision rate of 2.04 hectares per 1000 people and more than 8 times the provision level of other GTA intensification areas that have had to consider strata parks because of the limited availability of parkland.
4. Prioritizing the payment of cash-in-lieu of parkland (CIL) is needed to fund the implementation of the Town's Waterfront Parks and Open Space Master Plan vision and capital improvements (budgeted at over \$30.3M), which are planned for the existing parks in Port Whitby.
5. The proposed stratified open space is best implemented as a privately-owned and maintained open space that is open to the public and programmable by the retail tenants and property management. This type of urban square aligns with the Town's Official Plan (OP) policies for high-density, mixed-use development to contribute space towards a high-quality public realm, which should be a prerequisite to the significant density permissions that are being proposed and not eligible for parkland credit.

6. The proposed open space does support the intended function of a local park because it is undersized, encumbered and does not fit any recreational programming.
7. In the post Bill 23 environment, the quantity of parkland dedication that the Town will receive has been reduced by more than half. The Town needs to maximize the value of the reduced quantity of parkland it will receive by prioritizing the acquisition of high-quality (sufficiently sized and unencumbered) parks to support recreational needs.
8. Whitby's OP policies and Parkland Conveyance By-Law give the Town the discretion to require land or CIL based on parks planning priorities and to not accept or credit encumbered parkland.

Appendix 1: Strata Park Experiences in Toronto and Markham

Parks Planning spoke with staff from the municipalities of Toronto and Markham to understand their experience with the long-term management of strata parks. Below is a summary of some of the key considerations:

City of Toronto

- Several strata parks have undergone or are undergoing redevelopment, including College Park, Dr. Lilian McGregor Park, St James Town West Park and Cloud Gardens.
- In the case of College Park and St. James Town West Park, the replacement of the parking garage roof membrane required the complete excavation and removal of all soil, trees and amenities from the park above. This site work is extremely costly and disruptive to the public parks as the parks are required to close for several months and the municipalities were on the hook for the majority of the cost of replacing not only the surface amenities, but all subsoil, servicing, landscaping, etc. within the park.
- The parking garage beneath St. James Town West Park was owned by a rental building which offered a very limited contribution towards the replacement of the park \$300K.
- In the case of Dr. Lilian McGregor Park, the condo board elected not to replace the parking garage roof membrane at the same time as the park was being constructed. When the roofing membrane requires repair/replacement in 10 years time, this will result in the closure and complete removal of a relatively new park, meaning the City's capital investment will fall short of the park typical lifecycle (~30-50 years) and the City will be responsible for additional re-investment.
- The public parks were closed on average for a period of 1.5-3 years for repair of the roofing membrane repair and construction/reconstruction of the parks.
- In many cases, the park was not able to achieve the minimum soil depths to support trees, vegetation, and structural footings for park amenities.
- In some strata parks, the parking garage requires emergency stairway access at ground level, which creates a physical encroachment and visible barrier within the park.
- Parks staff noted challenges in dealing with a condo board once the initial construction by the developer is complete, Condo boards, consisting of residents, have less expertise to deal with complexities of a roof membrane and park replacement.
- Condo boards may also have limited financial reserves to contribute towards replacing the park that is triggered by the garage roof repair work. Parks staff noted there is little political appetite for the City to chase the condo board for their share of the costs when replacing a strata park, meaning the City is on the hook for this additional cost every 20 years.

City of Markham

- Existing strata park at northeast corner of Yonge and Meadowview is showing some signs of water leakage after only 10 years .The condo board is blaming the irrigation system within the City's park for the leak.
- This strata park has required additional maintenance (cost and staff resources) to keep trees, plants and sod alive. Vegetation is not likely to survive without the irrigation system.
- From a winter maintenance perspective, there is greater expectation that urban and strata parks be cleared and maintained in the winter. However de-icing materials used to maintain the park can degrade the concrete structure of the parking garage roof and the municipality is at risk for being liable.
- The frequency of replacement and repair of the roof membranes means that any trees planted in the park will never have an opportunity to reach maturity.

Appendix 2 – Port Whitby Parkland Provision Comparison

Strata parks are one tool to address the low parkland provision in intensification areas that are characterized by a limited availability of land and/or high land costs. In intensification areas, such as Downtown Toronto or the Yonge Corridor, there are a limited number of existing parks to serve the growing population. The park supply shortage is compounded by the lack of large sites that could be acquired for parkland at a reasonable price. Therefore, municipalities are forced to consider the trade-off of securing strata parks in these challenging growth areas versus the inherent risk and long-term costs of owning, operating and replacing this type of park asset. In contrast, Port Whitby is fortunate to have an abundance of existing parkland that can meet the needs of existing population and future growth without the need to entertain the inherent risks and long-term costs of strata parks.

Table 1: Port Whitby parkland provision levels compared to growth areas that have accepted strata parks

Planning Growth Area	Parkland Supply	Population	Parkland Provision
Downtown Toronto	97 hectares	250,000	0.39 ha / 1000 people
Markham - Yonge Corridor	1.2 hectares	5,456	0.21 ha / 1000 people
Port Whitby	34.95 hectares	10,212*	3.42 ha / 1000 people

**includes future population of 1606, 1610, 1614 & 1636 Charles Street and 1900 Brock St. developments*

Appendix 3 - Strata Park Replacement Premium

- The unique underground component of strata parks creates an inherent and significant cost premium over the lifecycle of a park because of the need to repair and/or replace the parking garage roof membrane, which triggers a complete demolition and replacement of not just the park amenities on the surface, but also the excavation and replacement of all of the park's subgrade components.
- The cost of repairing or replacing the parking garage roofing membrane is the responsibility of the condo board or building owner. However, when the membrane is replaced every 20-30 years on average, it will require the full excavation and replacement of all the park subgrade material, as well as any servicing (stormwater, electrical, water and irrigation). These are all additional and significant costs that are not associated with redevelopment of a typical terra firma park.
- In addition, the parking garage roof membrane repair and park excavation triggers a complete replacement of all the park amenities, facilities and landscaping on the surface, which is another costly disturbance that will occur on a more frequent basis than a typical terra firma park.
- Preliminary cost estimates show the additional cost incurred by the Town when replacing the below above grade strata park assets to be nearly \$1.1M every 25 years. Over the lifecycle of a park (75 years) this translates to an additional cost of nearly \$3.3M for the Town, when compared to a typical terra firma park.
- This significant cost will be challenging for a condo board to finance and would significantly increase condo fees and housing costs of residents. Should the condo board not have the funding reserves to cover these costs, then the Town would have to seek compensation from the condo board or cover these costs.